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AUG 15 2006

PATENT

Serial No. 10/511,812

Amendment in Reply to Final Office Action mailed on July 10, 2006

REMARKS

The following remarks are being filed in response to the Final Office Action mailed on July 10, 2006, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the following remarks and arguments are respectfully requested.

In the Final Office Action, the Examiner objected to claim 11 for certain informalities. In response, claim 11 has been amended to remove the informalities noted by the Examiner. Accordingly, withdrawal of the objection to claim 11 is respectfully requested.

In the Final Office Action, claims 1-6 and 8-14 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent Application Publication No. 2002/0003760 (Honda) in view of U.S. Patent No. 5,625,616 (Koike). Further, claim 7 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Honda in view of Koike and U.S. Patent Application Publication No. 2002/0191512 (Arioka). It is respectfully submitted that claims 1-14 are patentable Honda, Koike and Arioka for at least the following reasons.

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Honda is directed to an optical disc recording method where, prior to an actual record on the disc, in an outer peripheral test area a test record is repeatedly performed while the velocity is controlled to a predetermined linear velocity and the recording power is sequentially changed. An appropriate recording power value at the linear velocity is obtained on the basis of reproduced signals of the test records.

Kioke is directed to a current detector that detects a driving current flowing through a light emitting device. A temperature sensor is arranged in the vicinity of the light emitting device. A deterioration threshold current for a detected temperature is calculated and, when the deterioration threshold current for the detected temperature is exceeded by the detected current, a driver is controlled so as to inhibit the supply of the driving current to the light emitting device.

It is respectfully submitted that Honda and Koike, alone or in combination, do not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 11 and 25, amongst other patentable elements, requires (illustrative emphasis provided):

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jitter measuring circuit configured to measure jitter points associated with different power levels provided to a source of the recording beam, an optimal power level provided to the source being associated with one of the jitter points having a lowest error.

Arioka is cited in rejecting dependent claim 7 for allegedly showing other features and does not remedy the deficiencies in Honda and Koike. Accordingly, it is respectfully submitted that independent claims 1, 11 and 25 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2, 4-10, 12-14, 20-24 and 26 should also be allowed at least based on their dependence from independent claims 1, 11 and 25.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

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It is believed that no additional fees or charges are currently due beyond the fee for the Request for Continued Examination (RCE) to be charged to the credit card as noted by the enclosed authorization (since the total number of claims is 20 in view of canceled claims 3 and 15-19). However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicant's representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.


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In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
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August 15, 2006

Enclosure: RCE Transmittal
Authorization to charge credit card \$790 for RCE fee

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